

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KEVIN CONCANNON,

Plaintiff,

v.

NEBRASKA DEPARTMENT OF
CORRECTIONS, MICHAEL
KENNEY, Director, BIRIAN GAGE,
Warden, and MICHELLE CAPPS,
Deputy Warden,

Defendants.

4:14CV3173

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. Pursuant to the Prison Litigation Reform Act, an imprisoned civil plaintiff must pay the court's entire filing fee, either at the outset when filing the complaint, or in installments if the court grants leave to proceed in forma pauperis ("IFP"). [In re Tyler, 110 F.3d 528, 529-30 \(8th Cir. 1997\)](#); [Jackson v. N.P. Dodge Realty Co., 173 F. Supp. 2d 951 \(D. Neb. 2001\)](#).

In this case, Plaintiff Kevin Concannon filed a motion seeking leave to proceed IFP. On August 25, 2014, the court granted the motion and assessed an initial partial filing fee in the amount of \$84.90. To date, Concannon has not paid the initial partial filing fee or asked for an extension of time in which to do so. Accordingly, Concannon shall be required to show cause why this case should not be dismissed for his failure to pay the initial partial filing fee. Absent a sufficient response, the case will be subject to dismissal. See [Taylor v. Cassady, --- Fed. App'x. ----, 2014 WL 4378388 \(8th Cir. Sept. 5, 2014\)](#) (holding district court abused its discretion by dismissing case without first taking steps to determine whether prisoner-plaintiff's failure to pay the initial partial filing fee "was caused by circumstances beyond his control, such as prison officials' failure to adhere to his request to remit payment using funds from his account").

IT IS THEREFORE ORDERED that:

1. Concannon shall have until November 10, 2014, to show cause why this case should not be dismissed for failure to pay the initial partial filing fee. In the absence of cause shown, this case will be dismissed without prejudice and without further notice.

2. The Clerk of the Court is directed to set a pro se case management deadline in this case using the following text: November 10, 2014: show cause deadline for failure to pay initial partial filing fee.

DATED this 8th day of October, 2014.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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